

## **RESPONSE**

### **I. Original Restriction Requirement**

The Office Action mailed 06/29/2005 stated that "Claims 1-75 are pending in the application" and issued a requirement for restriction into multiple inventions. The Applicant respectfully submitted that the pending claims in this application are claims 53-63 and claims 66-97, and requested clarification of the discrepancy regarding claims in the case, in Applicant's response mailed 07/25/2005 and subsequent reminders in 2005 and 2006, and the last telephone call on 01/03/2007 to Examiner Gollamudi S Kishore. After a prolonged hiatus since the initial office action of 07/25/2005, the Applicant received by Fax on 01/05/2007, an office action that apparently had been mailed on 10/18/2006 but was never received by the Applicant.

### **II. New Restriction Requirement**

The office action mailed 10/18/2006, received as stated above on 01/05/2007, stated that "In view of the inadvertent inclusion of cancelled claims the previous restriction requirement is withdrawn," and issued a new restriction requirement requiring election to one out of the three invention Groups identified as:

I (claims 53-56 and 62);

II (claims 56-61, 63, 66-96); and

III (claim 97).

Further, this office action issued a requirement to elect for prosecution on the merits, a single disclosed species from:

Group I Species:

- a): Liquid crystalline multimolecular aggregates and a kit containing amphiphilic molecules;
- b): Liposomes and kits containing liposomes.

or

Group II Species :

- a) Methods in claims 56-57, 61, 63, 66-96; and
- b) Method in claims 58-60.

### **III. Response and Election**

Aside from the unity for all claims established in the parent application, in order to progress the present application to allowance in a timely and cost-effective manner, Applicant is entering an election, albeit with some traverse. Applicant submits that Group I is related to Groups II and III as products and methods of making the same. Applicant submits further that unity of invention between Group II (multimolecular aggregates and liposomes) and Group III (kits) was accepted by the USPTO in the parent application Serial No. 09/879,368 for corresponding claims that have issued in US 6,699,499.

The New Requirement first separates the products (Group I) from the methods of making (Groups II and III).

As the Office places product claims separately drawn to "liquid-crystalline multimolecular aggregates" and "liposomes or lipid complexes" and kit in a single restriction group (Group I), the separation of the equivalent method claims into Groups II and III is believed to be an error.

Should the Office agree that the claims of Groups II and III are not patentably distinct, Applicant elects the Group II invention without traverse. Should the Office maintain that the claims of Groups II and III are patentably distinct, Applicant elects the Group II invention with traverse solely as applied to the separation from the Group III invention.

Applicant reserves the right to refile claims to the non-elected inventions in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

#### **IV. Species Election Requirement and Response**

The new Requirement also sets forth a species election requirement, as applied to Group I and Group II. Group I is said to include species of liquid-crystalline multimolecular aggregates and liposomes, which highlights the unity for Groups II and III, as set forth above. Further, Group II, the Group elected by Applicant, the office action states that Species in Group II claims 56-57, 61, 63, 66-96 are different methods from Group II claim 58-60 without benefit of reasoning as to why these are regarded as different species. Applicant elects the species Group IIa for examination. At least claims 56-61, 63, 66-97 and if entered the new claims 98-100 all read on the elected species.

#### **V. Status of the Claims**

Prior to the present response, claims 53-63 and 66-69 were pending. Presently, claims 53-55, and 62 have been withdrawn without prejudice or disclaimer, as drawn to the non-elected inventions. Within the elected Group II invention, no claims have been canceled or withdrawn. Claim 57 has been currently amended to serve additionally as the base claim for currently amended claim 97, and especially to make it even clearer as the generic claim for all method claims. Claim 58 has been amended to make it, and thereby also to make claims 59 and

60, dependent on claim 57 as the generic claim. Claim 63 has been currently amended to make it more explicit. Claim 97 has been amended to make it dependent on claim 57.

New claims 98, 99 have been added with the exact text of the withdrawn claims 53, 54 respectively, with the added stipulation "prepared by the method of claim 57". Claim 100 has been added with the exact text of the withdrawn claim 63 with the added stipulation "prepared by the method of claim 57". The new claims all read on Group IIa and have support in the specification and particularly in the withdrawn claims 53, 54 and 63.

In accordance with 37 C.F.R. § 1.121, and for the convenience of the Examiner, a complete list of all pending claims are attached hereto. The claims have been labeled as "(Currently Amended)" and "(New)" where appropriate.

#### **VI. Support for the Claims**

Support for the revised and new claims is to be found throughout the specification and claims of the original and parent applications, and particularly in the withdrawn claims. It will be seen that no new matter has been added to the specification. In light of the claims canceled to date, no additional fees should be required. However, if any fees are necessary for the introduction of the new claims, a communication to the Applicant is requested.

#### **VII. Conclusion**

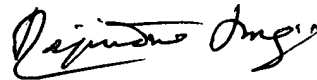
The present document is a complete response to the Restriction Requirement. In light of the issuance of the parent application, and the correspondence of the present claim language to that in the issued claims, the present application is in condition for allowance and such action is respectfully requested. Should Examiner Kishore have any questions or comments, a telephone call to the undersigned Applicant is earnestly solicited.

As noted on page 1 of this document, the office action under reference apparently Mailed October 18, 2006 was received by Applicant via FAX on January 5, 2007. This response is

timely filed in light of the actual receipt date of the Fax copy. The late receipt is not due to any action on the part of the Applicant. The Applicant hereby requests a waiver for and refund of the said late fee, based on the USPTO mail date, attached herewith.

The Applicant and Inventor, Rajindra Aneja is acting *pro se*.

Respectfully submitted,



Rajindra aneja, Ph.D.  
Applicant and Inven

Nutrimed Biotech  
Langmuir Laboratory  
95 Brown Road  
Ithaca, NY 14850  
Phone/Fax: 607-257-1166  
Email: [nutrimedbt@aol.com](mailto:nutrimedbt@aol.com)

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**ENCLOSURES:**

1. Complete List of Claims – Clean Copy
2. Completed Form PTO/SB/22, and
3. Check for \$ 225.00 (#10089) Small Entity Fee